

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

PAINTERS DISTRICT COUNCIL NO. 2, et al.,)
)
Plaintiffs,)
)
vs.) Case No. 4:08CV192 HEA
)
LEGACY PAINTING, LLC.,)
)
Defendant.)

ORDER

This matter is before the Court on Plaintiffs' Motion for Contempt, [Doc. Number 11], filed on September 16, 2008. Defendant has not filed a written response to this motion.

On April 14, 2008, this Court entered a partial default judgment against Defendant and an Order compelling an accounting. Defendant has failed to comply with this Order.

Plaintiffs request that the Court order Defendant to appear before the Court and submit its books, records and outstanding fringe benefit reports to Plaintiff for review and copying, assess sanctions for failure to appear and award them their attorneys' fees associated with bringing this motion.

Plaintiffs are entitled to attorneys fees for bringing the motion for contempt, in an amount to be submitted by Plaintiffs. The Court will not, at this point sanction Defendant with a monetary amount, however, Defendant is forewarned that failure

to abide by this Order will result in the imposition of monetary sanctions.

Defendant will, however, be ordered to appear at a time within 10 days from the date of this order, specified by Plaintiffs' counsel, with the subpoenaed documents for an accounting.

Accordingly,

IT IS HEREBY ORDERED that Plaintiffs' Motion for Contempt, [Doc. No. 11] is granted, as provided herein.

IT IS FURTHER ORDERED that a representative of Defendant shall appear before counsel for Plaintiff within 10 days from the date of this Order, at a time specified by counsel for Plaintiffs, for an accounting.

IT IS FURTHER ORDERED that Defendant shall produce the subpoenaed documents at the examination.

Dated this 29th day of September, 2008.



HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE